IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

O R D E R

S.B. CIVIL WRIT PETITION NO.3526/1996
(State of Raj. & Ors. Vs. Judge, Industrial Tribunal & Labour Cout, Jodhpur & Ors.)

Date of order : 17.12.2007

P R E S E N T

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. S.N. Tiwari, Dy. G.A. for State.

By way of filing the present writ petition, the Department of Irrigation, Govt. of Rajasthan, Jaipur has challenged the award dated 21.12.1995 passed by Judge, Labour Court, Jodhpur by which the Judge, Labour Court, Jodhpur has set aside the retrenchment of the respondent No.2 – workman w.e.f. 20.3.1990 while holding that the retrenchment of the workman was in violation of the provisions of Section 25-F of the Industrial Disputes Act, 1947 (hereinafter “the Act” only) as no notice and compensation was given to the workman though he has completed 240 days in a calender year preceding the date of his retrenchment.

The facts of the case are that the respondent No.2 workman was appointed as typist on 19.6.1989 and he continued till 20.3.1990. Thereafter, by verbal orders his services were terminated. Against that, he raised an industrial dispute. After failure of the conciliation proceedings, the matter was sent to the appropriate government and a reference was made to the Judge, Labour Court, Jodhpur vide notification dated 10.6.1991.

Before the Judge, Labour Court, Jodhpur, the respondent No.2 – workman as well as the petitioner – Department filed their claim and counter claim and produced documentary evidence. As per the finding of the Judge, Labour Court, the workman has proved that he has completed 240 days in a calender year preceding the date of his retrenchment. The finding of Judge, Labour Court, Jodhpur with regard to completion of 240 days in one calender year preceding the date of his retrenchment is based upon the documentary evidence produced by the workman.

I have perused the impugned award as well as the entire record of the case and heard the learned counsel for the petitioner.

In my opinion, the finding of Judge, Labour Court does not require any interference because along

with the affidavit the workman has produced so many documents with regard to his working with the petitioner – Department. Further, in pursuance of query made vide order dated 28.11.2007, it is stated at Bar by learned Dy. Govt. Advocate that workman was reinstated in service after rejection of the stay application and he is in service.

Thus, looking to the totality of the facts and circumstances of the case, when this Court is not interfering with the finding of the Judge, Labour Court, Jodhpur, then, there is no question of interference with the relief granted by Judge, Labour Court, Jodhpur.

Accordingly, the petition fails and is hereby dismissed.

(GOPAL KRISHAN VYAS), J.

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